

CHAPTER NO. 822

HOUSE BILL NO. 189

By Representatives Mike Turner, Pinion, Fraley, West, Henri Brooks, Maddox, Sherry Jones, Bowers, McMillan, McDonald, Sontany, Shaw, Brenda Turner, Winningham, Brown

Substituted for: Senate Bill No. 1716

By Senators Graves, Person, Dixon, Harper, McLeary, Burks

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 2, to enact the "Equal Pay Remedies and Enforcement Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be called the "Equal Pay Remedies and Enforcement Act".

SECTION 2. Tennessee Code Annotated, Section 50-2-204, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Any employer who violates the provisions of §50-2-202 shall be liable to the employee or employees affected in the amount of their unpaid wages, and in instances of an employer knowingly violating §50-2-202 in employee suits under subsection (b), up to an additional equal amount of unpaid wages as liquidated damages. For the second established violation of this part in a separate judicial proceeding distinct from the first, any employer who violates the provisions of §50-2-202 shall be liable to the employee or employees affected in the amount of their unpaid wages, and instances of an employer knowingly violating §50-2-202 in employee suits under subsection (b), up to an additional double an equal amount of unpaid wages as liquidated damages. For the third established violation of this part in a separate judicial proceeding distinct from the first and second, any employer who violates the provisions of §50-2-202 shall be liable to the employee or employees affected in the amount of their unpaid wages, and instances of an employer knowingly violating §50-2-202 in employee suits under subsection (b), up to an additional treble an equal amount of unpaid wages as liquidated damages.

SECTION 3.

(a) Commencing on the effective date of this act, and as funds become available, the Economic Council on Women may conduct research to determine:

(1) What wage disparities exist between men and women assigned to the same job classifications and minorities and non-minorities assigned to the same job classifications.

(2) Those factors which cause, or which tend to cause, such disparities, including segregation of women and men, and of minorities and non-minorities within the same job classifications.

(3) The consequences of such disparities on the economy and on affected families.

(4) Recommendations that are likely to lead to the elimination of such disparities.

(b) The council shall make its report to the commissioner of labor and workforce development, who may in turn transmit it to the governor and the speakers of both houses of the general assembly.

(c) The council's research may include the results of its findings as well as recommendations, legislative and otherwise, for the elimination and prevention of disparities in wages between men and women, and between men and women, and between minorities and non-minorities.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 20, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2004


PHIL BREDESEN, GOVERNOR